THE UNITED STATES DISTRICT COURT THE DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 11-11552

J.R., by and through his mother and next friend, ANY DEPINA and ANY DEPINA PLAINTIFFS,	
v.	
CITY OF BOSTON, MASSACHUSETTS, DEPARTMENT OF CHILDREN AND FAMILIES, CAMP JOY, INC. and AYANNA S. RICHARDSON DEFENDANTS	

PARTIES

- 1. The Plaintiff, J.R. (hereinafter "J.R.") is a five year old minor child who was born on 2/12/2006 to his next friend and mother, Any Depina, a resident of 16 Ridgewood Street, Dorchester, Massachusetts 02122.
- 2. The Plaintiff, Any Depina, (hereinafter "Depina") is a resident of 16 Ridgewood Street, Dorchester, Massachusetts 02122.
- 3. The Defendant, City of Boston (hereinafter "City"), is a municipal corporation located in the Commonwealth of Massachusetts that runs a Summer Program for Youth with Disabilities or Special Needs which has a principal place of business located at One City Hall Square, Boston, MA 02201.
- 4. The Defendant, Department of Children and Families (hereinafter "DCF"), is a State Agency with its principal place of business at 24 Farnsworth Street Boston, MA 02210.
- 5. The Defendant, Camp Joy, Inc. (hereinafter "Camp Joy") is a corporation with its principal place of business located at E. Windsor Road., Peru, Massachusetts.
- 6. The Defendant, Ayanna S. Richardson (hereinafter "Richardson") is an individual who resides in Massachusetts and is a former employee of Camp Joy, Inc.

FACTS

- 7. On or about July 1, 2010, Depina was supplied with information from DCF, that J.R. was accepted into a program with Camp Joy.
- 8. On or about July 1, 2010, J.R. was accepted to a program with Camp Joy, located at the Holland School in Dorchester, Massachusetts.
- 9. On or about, July 12, 2010, J.R. attended the Camp Joy program.
- 10. Defendant, Richardson was, at the time of the incident working as a Camp Counselor employee for Camp Joy.
- 11. During J.R.'s time at Camp Joy, J.R. was videotaped cursing and swearing, at the provocation of several persons, including camp counselors and Defendant, Richardson.
- 12. On or about August 2010, the Depina was informed by her brother that her son was on Facebook where he was videotaped without parental consent where the Defendant, Richardson told the minor child to say "Fucking Ass Bitch" and told him to say it louder and louder.
- 13. On or about August 5, 2010, Depina filed a police report stating that a video of her son had been posted to the website, YouTube. See police report attached hereto and incorporated by reference as Exhibit "A".
- 14. On or about August 2010, the Depina contacted the Director of Camp Joy, who called her back and Depina described the incident.
- 15. The director indicated that she would be firing individuals that were involved for either participating or not reporting the incident. She also indicated that she would be filing a 51A although Depina never received any confirmation of any of the above.
- 16. On or about August 2010, J.R. did not return to the camp.
- 17. Since this incident, J.R. has exhibited difficulty emotionally.

COUNT ONE - VIOLATION OF M.G.L. c. 214 §B

- 18. Plaintiffs reallege the allegations contained in Paragraphs 1-17 as if restated fully herein.
- 19. Defendant, Richardson, has violated Plaintiffs Right to Privacy, pursuant to M.G.L. c. 214 §1B.
- 20. Defendant, Richardson, videotaped J.R. without the consent of Depina.

21. Defendant, Richardson, through the placing of the video onto YouTube has portrayed the Plaintiffs in false light.

COUNT TWO - NEGLIGENT SUPERVISION AS TO CAMP JOY

- 22. Plaintiffs reallege the allegations contained in Paragraphs 1-21 as if restated fully herein.
- 23. Defendant, Camp Joy, negligently supervised its counselors, and as a result of this negligent supervision this incident was able to take place.

COUNT THREE - FALSE LIGHT

- 24. Plaintiffs reallege the allegations contained in Paragraphs 1-23 as if restated fully herein.
- 25. Defendants, through their actions and omissions regarding the posted video recording, have portrayed Plaintiffs in a false light.

COUNT FOUR - DEFAMATION

- 26. Plaintiffs reallege the allegations contained in Paragraphs 1-25 as if restated fully herein.
- 27. Defendants, through their actions and omissions have defamed the Plaintiffs.

COUNT FIVE - NEGLIGENCE AS TO DCF

- 28. Plaintiffs reallege the allegations contained in Paragraphs 1-27 as if restated fully herein.
- 29. Defendant, DCF, negligently placed J.R. in a program where J.R. was subject to mistreatment.

COUNT SIX - NEGLIGENCE AS TO CAMP JOY

- 30. Plaintiffs reallege the allegations contained in Paragraphs 1-29 as if restated fully herein.
- 31. Camp Joy, has violated the rights of Plaintiffs, by failing to act to protect Plaintiffs from privacy invasion and exploitation when it willingly assumed the duty to act *in loco parentis*.
- 32. Camp Joy, acting as an employer is subject to vicarious liability since Defendant Richardson, was an employee and was acting within her capacity as such.

COUNT SEVEN - INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

33. Plaintiffs reallege the allegations contained in Paragraphs 1-32 as if restated fully herein.

34. Defendants have intentionally inflicted emotional distress upon the Plaintiffs and as a result have caused them harm.

COUNT EIGHT - VICARIOUS LIABILITY AS TO THE CITY OF BOSTON

- 35. Plaintiffs reallege the allegations contained in Paragraphs 1-34 as if restated fully herein.
- 36. Defendant, City of Boston, as an agent of Camp Joy is subject to vicarious liability on all counts as it funded and oversees the operations of DCF.

PRAYERS FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that this Honorable Court grant the following:

- 1. Grant Plaintiffs compensatory damages equal to that of the damage suffered by Plaintiffs;
- 2. Grant Plaintiffs an injunction requiring the video be taken down and permanently removed from YouTube and any and all other mediums of communication and storage;
- 3. Grant the Plaintiffs punitive damages as a result of Defendants' acts and omissions;
- 4. Any other relief that this Honorable Court may deem just and proper.

Christine Cedrone Logan & Associates, P.C.

21 McGrath Highway, Suite 306

Quincy, MA 02169 617-934-0709

617-328-0689 fax

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INCIDENT REPORT

Edward F Davis, Police Commissioner



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Edward F Davis, Police Commissioner

INCIDENT REPORT

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3 A H	ALIAS HEIGHT WEIGHT 2-10 033 DOCCUPATION SPECIAL CHARACTERIS TYPE REPORTER LIAS EIGHT WEIGHT CCUPATION PECIAL CHARACTERIS TYPE WITNESS	STICS(INCLUDING MARI BUILD MARI BUILD MARI INCS(INCLUDING	DDRESS LEROY ST : D M ITAL STATUS G CLOTHING) AME (LAST, FIRS DEPINA, ANY DDRESS LEROY ST 2 TAL STATUS CLOTHING) ME (LAST, FIRS MALLS, ROB	2, DORO	L ADDRESS	HAIR BROWN	22-0000 N S.S. NO	GENDER MALE	BDL BOC O	CON (61)	ISPANIC EYES BROWN NTACT #1 7)-840-8132 NO. YES ITACT #1 7)-840-8132	DOCKET NO DOCKET NO DOCKET NO DOB	2/2006 DT #2	AGE 0
3 A H	ALIAS HEIGHT WEIGHT 2-10 033 DOCCUPATION SPECIAL CHARACTERIS TYPE REPORTER LIAS EIGHT WEIGHT CCUPATION PECIAL CHARACTERIS	STICS(INCLUDING MARI BUILD MARI BUILD MARI INCS(INCLUDING	DDRESS LEROY ST : D M ITAL STATUS G CLOTHING) AME (LAST, FIRS DEPINA, ANY DDRESS LEROY ST 2 TAL STATUS CLOTHING) ME (LAST, FIRS	2, DORO	L ADDRESS	HAIR BROWN	22-0000 N S.S. NO	GENDER MALE	BD BOC	CON (61)	ISPANIC EYES BROWN NTACT #1 7)-840-8132 NO. YES ITACT #1 7)-840-8132	DOCKET NO DOCKET NO DOCKET NO DOB	2/2006 DT #2	4 AGE
3 A H	ALIAS HEIGHT WEIGHT 2-10 033 DOCCUPATION SPECIAL CHARACTERIS TYPE REPORTER LIAS EIGHT WEIGHT CCUPATION PECIAL CHARACTERIS TYPE WITNESS	BUILD MARI BUILD MARI BUILD MARI BUILD MARI BUILD MARI TICS(INCLUDING	DDRESS LEROY ST : D M ITAL STATUS G CLOTHING) AME (LAST, FIRS DEPINA, ANY DDRESS LEROY ST 2 TAL STATUS CLOTHING) ME (LAST, FIRS MALLS, ROB	EMAIL T, MI) ERTA	CHESTER M	MA 0212	22-0000 N S.S. NO	GENDER MALE	BOC O RACE	CON (61)	ISPANIC EYES BROWN NTACT #1 7)-840-8132 NO. YES ITACT #1 7)-840-8132	DOCKET NO.	2/2006 ET #2).	AGE 0
A H O SI	ALIAS HEIGHT WEIGHT 2-10 033 DOCCUPATION SPECIAL CHARACTERIS TYPE REPORTER LIAS EIGHT WEIGHT CCUPATION PECIAL CHARACTERIS TYPE WITNESS	BUILD AA BTICS(INCLUDING AA BUILD MARI BUILD MARI TICS(INCLUDING	DDRESS LEROY ST : LEROY ST : M ITAL STATUS G CLOTHING) AME (LAST, FIRST DEPINA, ANY DDRESS LEROY ST 2 TAL STATUS CLOTHING) ME (LAST, FIRST MALLS, ROB DRESS	EMAIL T, MI) ERTA	CHESTER M	MA 0212	22-0000 N S.S. NO	GENDER GENDER	BOC O RACE	CON (61)	ISPANIC PYES BROWN NTACT #1 7)-840-8132 NO. PYES ITACT #1 7)-840-8132	DOCKET NO.	2/2006 ET #2).	AGE 0
A H O Si 4	ALIAS HEIGHT WEIGHT 2-10 033 DOCCUPATION SPECIAL CHARACTERIS TYPE REPORTER LIAS EIGHT WEIGHT CCUPATION PECIAL CHARACTERIS TYPE WITNESS LIAS	BUILD MARI BUILD MARI BUILD MARI BUILD MARI BUILD MARI TICS(INCLUDING	DDRESS LEROY ST : LEROY ST : A ITAL STATUS CLOTHING) AME (LAST, FIRST DEPINA, ANY DDRESS LEROY ST 2 TAL STATUS CLOTHING) ME (LAST, FIRST MALLS, ROB DRESS 83 TREMON	EMAIL T, MI) ERTA	CHESTER M	MA 0212 HAIR	22-0000 N S.S. NO 22-0000	GENDER GENDER	BOC O RACE	CON (61)	ISPANIC PYES BROWN NTACT #1 7)-840-8132 NO. PYES ITACT #1 7)-840-8132	DOCKET NO.	2/2006 ET #2).	AGE 0
A H O SI	ALIAS HEIGHT WEIGHT 2-10 033 DOCCUPATION SPECIAL CHARACTERIS TYPE REPORTER LIAS EIGHT WEIGHT CCUPATION PECIAL CHARACTERIS TYPE WITNESS LIAS	BUILD MARI BUILD MEDI	DDRESS LEROY ST : LEROY ST : A ITAL STATUS CLOTHING) AME (LAST, FIRST DEPINA, ANY DDRESS LEROY ST 2 TAL STATUS CLOTHING) ME (LAST, FIRST MALLS, ROB DRESS 83 TREMON	EMAIL T, MI) ET A ET ST , E	CHESTER M	MA 0212 HAIR	22-0000 N S.S. NO 22-0000	GENDER GENDER	BOC O RACE	CON (61)	ISPANIC EYES BROWN NTACT #1 7)-840-8132 NO. YES ITACT #1 7)-840-8132 O. IN-HISPANIC ES	DOCKET NO.	2/2006 ET #2).	AGE 0
A HHE	ALIAS HEIGHT WEIGHT 2-10 033 DOCCUPATION SPECIAL CHARACTERIS TYPE REPORTER LIAS EIGHT WEIGHT CCUPATION PECIAL CHARACTERIS TYPE WITNESS LIAS	BUILD MARI BUILD MEDI	DDRESS LEROY ST : LEROY ST : M ITAL STATUS G CLOTHING) AME (LAST, FIRST EPINA, ANY DDRESS LEROY ST 2 TAL STATUS CLOTHING) ME (LAST, FIRST MALLS, ROB DRESS 83 TREMON	EMAIL T, MI) ET A ET ST , E	CHESTER M. ADDRESS	MA 0212 HAIR	22-0000 N S.S. NO 22-0000	GENDER GENDER	BOC O RACE	CON (61)	ISPANIC EYES BROWN NTACT #1 7)-840-8132 NO. YES TACT #1 7)-840-8132 O. DN-HISPANIC ES ROWN	DOCKET NO.	2/2006 ET #2).	AGE 0